

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
JOSEPH ROSEMOND,)	
Plaintiff,)	
v.)	C.A. No. 04-30072-KPN
)	
STOP AND SHOP SUPERMARKET)	
COMPANY,)	
Defendant.)	
_____)	

**DEFENDANT'S MOTION TO RESCHEDULE ORAL ARGUMENT ON ITS
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 6(b) and Local Rule 7(b), Defendant The Stop & Shop Supermarket Company LLC ("Stop & Shop") hereby moves this Court either to postpone the time for oral argument on its Motion for Summary Judgment from 11:30 a.m. to 2 p.m. or later on October 6, 2005 or to reschedule it to a later date. As grounds for this motion, Stop & Shop states the following:

1. The Court has scheduled oral argument on Stop & Shop's Motion for Summary to begin at 11:30 a.m., on Thursday, October 6, 2005.
2. Stop & Shop's parent company, Ahold, is based in The Netherlands. A group of executives from Ahold is scheduled to travel to Stop & Shop's headquarters in Quincy, Massachusetts for meetings on October 6, 2005.
3. James Venable, in-house counsel at Stop & Shop, who is overseeing this case and has actively participated in all phases of this litigation, will be unable to attend the oral argument unless it begins at 2 p.m. or later on October 6, because his attendance is required at morning meetings with Ahold executives and he will then need to travel to Springfield.
4. Alternatively, Stop & Shop requests that the argument be rescheduled to a later date.
5. Plaintiff's counsel does not assent to this motion.

WHEREFORE, Defendant Stop & Shop respectfully requests that this Court reschedule the start time for oral argument on its Motion for Summary Judgment from 11:30 a.m. to 2 p.m. or later on October 6, 2005 or reschedule it to a later date.

Respectfully submitted,

The Stop & Shop Supermarket Company LLC

By its attorneys,

/s/ Brigitte M. Duffy

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Dated: September 230, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), I hereby certify that I, Lisa Damon, contacted counsel for Plaintiff, Tani Sapirstein to in a good faith attempt to resolve or narrow the issue(s) raised in the instant Motion.

/s/ Lisa Damon